

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CHRISTOPHER HIRAM CANO,

Plaintiff,  
-against-

UNITED STATES OF  
AMERICA/CORPORATE AMERICA, *et al.*,

Defendants.

21-CV-9165 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, appearing *pro se* and seeking to proceed *in forma pauperis* (IFP), brings this action asserting that Defendants violated his rights. At the time that Plaintiff filed this complaint, he was detained at the Anna M. Kross Center on Rikers Island.<sup>1</sup> By order dated April 5, 2022, the Court directed Plaintiff to submit a completed and signed prisoner authorization (ECF No. 4), and on April 6, 2022, the Clerk's Office mailed a copy of that order to Plaintiff. On April 26, 2022, the order was returned to the court with a notation on the envelope indicating "Inmate DISC xSH 3/30." Plaintiff has failed to notify the court of a change of mailing address and has not initiated any further contact with the court, written or otherwise.

Under Rule 41(b) of the Federal Rules of Civil Procedure, a district court may dismiss an action *sua sponte* for failure to prosecute after notifying the plaintiff. *LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001); *see Fields v. Beem*, No. 13-CV-0005 (GTS/DEP), 2013 WL 3872834, at \*2 (N.D.N.Y. July 24, 2013) ("A plaintiff is required to notify the Court when his address changes, and failure to do so is sufficient to justify dismissal of a plaintiff's complaint.") (collecting cases). Accordingly, the Court directs Plaintiff to update his address of

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<sup>1</sup> A review of the New York City Department of Correction Inmate Lookup Service reveals that Plaintiff was "Released to State Hospital" on August 4, 2022. *See* <https://a073-ils-web.nyc.gov/inmatelookup/pages/home/home.jsf>.

record within 30 days of the date of this order. Should Plaintiff fail to comply with this order, the Court will dismiss the action without prejudice for failure to prosecute.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: August 31, 2022  
New York, New York

/s/ Laura Taylor Swain  
LAURA TAYLOR SWAIN  
Chief United States District Judge